Appendix A

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

MARCUS A. KYLE,
Plaintiff,

vs.

TOM ADAMS, Secretary of State of the State of Florida, and MARTIN BRATERMAN, SUPERVISOR OF REGISTRATION for Dade County, Florida, et al.,
Defendants.

66-321-Civ-EC

Before JONES, Circuit Judge, DYER, Chief Judge, and CHOATE, District Judge

OPINION AND ORDER

The plaintiff, a Republican, a registered voter, the Republican County Chairman for Dade County, Florida, a Republican County Committeeman and a candidate for the Republican State [of Florida] Executive Committee seeks a declaratory decree that the Florida statute[1] providing for

1. The state executive committee of each political party shall consist of two members, a man and a woman for each county, who shall be elected for four years in the second primary elections held in the year 1958 and every four years thereafter. The members of the executive commitee shall, within thirty days after their election, meet and organize by electing from their members a chairman and a vice-chairman, one of whom is a man and the other a woman, and a vice-chairman for each congressional district, and other such officers as each committee deems necessary. The outgoing chairman of the state executive committee shall, not less than ten days before the first meeting, notify each newly elected member of the time and place of the meetings. F.S.A. § 103.111(1).

the composition and manner of electing the members of the State Executive Committees of political parties is unconstitutional as denying equal protection of law to the plaintiff. Injunctive relief was sought. A three-judge court was constituted pursuant to 28 U.S.C.A. §§ 2281, 2284.

The state executive committees exercise no legislative functions. Their principal functions are confined to the administration of the political parties, the selection of party officers, the selection of candidates for presidential electors, and the carrying on of political campaigns. These are not the exercise of public or governmental powers or duties. 25 Am. Jur. 2d 810, Elections § 124. In rare instances and extraordinary situations a committee can select a party nominee for public office. This is a power too remote and with such minimal relationship to governmental activity as includes it within the one man-one vote principle which is applicable to state legislative bodies. We are in full accord with the decision in Lynch v. Torquato, 3rd Cir. 1965, 343 F.2d 370, where the issue here presented was decided contrary to the contention of the plaintiff. The complaint shows no facts upon which relief can be granted and the action will be dismissed.

It is, therefore, ORDERED AND ADJUDGED that the cause is hereby dismissed on the merits and judgment for the defendants and against the plaintiff is hereby rendered at the plaintiff's cost.

ORDERED and ADJUDGED this 31st day of May, 1966.

S/WARREN L. JONES
United States Circuit Judge

S/DAVID W. DYER
Chief Judge, U.S. District Court

S/EMETT C. CHOATE
United States District Judge